

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ANGELA ANSANELLI and CHARLES
ANSANELLI,

No. C 10-03892 WHA

Plaintiffs,

v.

JP MORGAN CHASE BANK, N.A., and
SEQUOIA PACIFIC MORTGAGE
COMPANY, INC.,

**ORDER GRANTING LEAVE TO
FILE FOURTH AMENDED
COMPLAINT AND DENYING AS
MOOT DEFENDANT'S MOTION
TO DISMISS**

Defendants.

An order granted in part and denied in part defendant JPMorgan Chase Bank's motion to dismiss plaintiffs' second amended complaint, and granted plaintiffs leave to file a third amended complaint, curing the identified deficiencies. Plaintiffs did so. Thereafter, JPMorgan Chase Bank moved to dismiss again, noticing a hearing for June 2. The opposition deadline was yesterday, May 12, but instead of an opposition, plaintiffs' counsel filed a stipulation by all parties for leave to file a fourth amended complaint and a fourth amended complaint. Although plaintiffs did not submit a proposed order or style their filing as a stipulated request, their implicit request for an order granting leave to file a fourth amended complaint is **GRANTED**. As such, defendant's motion to dismiss the third amended complaint is **DENIED AS MOOT**, and the hearing on June 2 is **VACATED**.

IT IS SO ORDERED.

Dated: May 13, 2011.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE